



not recall the particular incident but advised that if he had been told, he would have created an accident report as that is the company policy. No accident report was created.

Claimant named two other witnesses, Larry Watts, a witness to the original incident on January 20, and David Howard, another management level employee, who claimant alleges witnessed a similar incident a couple of weeks later. Neither Mr. Watts nor Mr. Howard were deposed. In both instances, claimant alleges an onset of pain which he self treated with Motrin. Respondent alleges claimant has failed to meet the requirements of K.S.A. 44-520 which requires notice to the respondent within 10 days of an accident including the time, place, and particulars of the incident.

The Appeals Board finds, that while claimant's contention that he told Mr. Armstrong of the incident is contradicted, there is sufficient evidence, for preliminary hearing purposes, to find that claimant has satisfied the requirements of K.S.A. 44-520.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Julie A. N. Sample dated August 13, 1997, should be, and is hereby, affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of October 1997.

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BOARD MEMBER

c: Leah Brown Burkhead, Mission, KS  
Mark E. Kolich, Kansas City, KS  
Julie A. N. Sample, Administrative Law Judge  
Philip S. Harness, Director